

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**  
**DAYSHAUN JONES,**

**Plaintiff,**

**1:23-cv-656  
(GLS/DJS)**

**v.**

**MATTHEW ELLIS,**

**Defendant.**

**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

Dayshaun Jones  
Pro Se  
265 Manning Blvd  
Apt A  
Albany, NY 12206

**Gary L. Sharpe  
Senior District Judge**

**ORDER**

The above-captioned matter comes to this court following a Report-Recommendation and Order (R&R) by Magistrate Judge Daniel J. Stewart, duly filed September 8, 2023. (Dkt. No. 10.) Following fourteen (14) days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections<sup>1</sup> having been filed, and the court having reviewed the

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<sup>1</sup> On September 21, 2023, plaintiff filed another amended pleading, which suffers from similar infirmities to his first two. (Dkt. No. 11.) The R&R, however, did not afford plaintiff leave to amend, nor did he seek leave of the court to do so. Accordingly, the Clerk is directed

R&R for clear error, it is hereby

**ORDERED** that the Report-Recommendation and Order (Dkt. No. 10) is **ADOPTED** in its entirety; and it is further

**ORDERED** that the Clerk is directed to **STRIKE** plaintiff's second amended complaint (Dkt. No. 11); and it is further

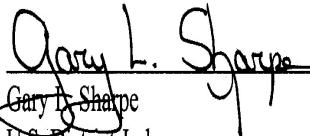
**ORDERED** that plaintiff's amended complaint (Dkt. No. 8) is **DISMISSED** in its entirety; and it is further

**ORDERED** that the clerk is directed to close this case; and it is further

**ORDERED** that the Clerk provide a copy of this Order to plaintiff in accordance with the Local Rules of Practice.

**IT IS SO ORDERED.**

September 27, 2023  
Albany, New York

  
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Gary L. Sharpe  
U.S. District Judge

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to strike that filing.